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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 BILL LIETZKE,

7 Plaintiffs,

8 v.

9 CITY OF BIRMINGHAM, *et al.*,

10 Defendants.

Case No. 3:19-cv-00706-MMD-CLB

ORDER

11 Plaintiff Bill Lietzke filed this *pro se* civil rights action. Before the Court is a Report
12 and Recommendation of United States Magistrate Judge Carla Baldwin (“R&R”) (ECF No.
13 4) recommending that the Court dismiss the Complaint (ECF No. 1-1).¹ Plaintiff had until
14 March 3, 2020 to file an objection. To date, no objection has been filed. For that reason,
15 and because the Court agrees with Judge Baldwin, the Court will adopt the R&R.

16 This Court “may accept, reject, or modify, in whole or in part, the findings or
17 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party
18 fails to object, however, the court is not required to conduct “any review at all . . . of any
19 issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985);
20 *see also United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (“De novo review of
21 the magistrate judges’ findings and recommendations is required if, but *only* if, one or both
22 parties file objections to the findings and recommendations.”) (emphasis in original); Fed.
23 R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the court “need only satisfy
24 itself that there is no clear error on the face of the record in order to accept the
25 recommendation”).

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28 ¹Plaintiff did not file an *in forma pauperis* application or filing fee with the Complaint.
(ECF No. 1.)

1 While Plaintiff has failed to timely object to the R&R, the Court has nevertheless
2 conducted a *de novo* review to determine whether to adopt the R&R. Having reviewed the
3 R&R (ECF No. 4), Complaint (ECF No. 1-1), and Plaintiff's Notice (ECF No. 3), the Court
4 agrees with Judge Baldwin and adopts the R&R in full. Judge Baldwin recommended that
5 the Court dismiss the Complaint because Plaintiff was previously deemed a vexatious
6 litigant under 28 U.S.C. § 1651(a) and was required to "obtain[] leave from the Chief Judge
7 of this court" but failed to do so here. (ECF No. 4 at 1 (citing to *Lietzke v. City of*
8 *Montgomery*, No. 2:17-cv-2873-JCM-VCF, 2018 WL 702889, at *1 (D. Nev. Feb. 2,
9 2018)).)

10 It is therefore ordered, adjudged and decreed that Judge Baldwin's R&R (ECF No.
11 4) is accepted and adopted.

12 It is further ordered that the Complaint (ECF No. 1-1) is dismissed with prejudice.

13 The Clerk of Court is directed to enter judgment in accordance with this order and
14 close this case.

15 DATED THIS 5th day of March 2020.

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19 MIRANDA M. DU
20 CHIEF UNITED STATES DISTRICT JUDGE
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